

AMENDED IN ASSEMBLY JUNE 18, 2009

AMENDED IN SENATE MAY 4, 2009

AMENDED IN SENATE MARCH 31, 2009

**SENATE BILL**

**No. 300**

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**Introduced by Senator Yee**

(Coauthor: Assembly Member Torlakson)

February 25, 2009

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An act to amend ~~Section 1190~~ *Sections 1130, 1156.6, 1157.1, 1171.5, 1176, 1190, and 1196* of the Harbors and Navigation Code, relating to harbors and ports, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 300, as amended, Yee. Harbors and ports: Monterey Bay and the Bays of San Francisco, San Pablo, and Suisun: pilotage ~~rates~~: *rates: continuing education*.

**Existing**

*(1) Existing law provides for the regulation and licensing of pilots for the Bays of San Francisco, San Pablo, Suisun, and Monterey by the Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun. Existing law requires the board to adopt standards and a training program for pilots, inland pilots, and pilot trainees.*

*This bill would instead require the board to adopt training standards and a training program for pilot trainees, and continuing education standards and a continuing education program for pilots and inland pilots. The bill would require that fees from the surcharge for each movement of a vessel using pilot services used for a training program for pilots and inland pilots be used instead to fund a pilot and inland pilot continuing education program.*

(2) *Existing law provides that all records of the board relating to the personal information of a pilot are confidential and shall not be open to public inspection.*

*This bill would include within that provision personal information of an inland, pilot, a pilot trainee, and an applicant to the pilot training program.*

(3) *Existing law specifies the rates of pilotage for vessels entering or leaving Monterey Bay and the Bays of San Francisco, San Pablo, and Suisun through the Golden Gate Bridge. Existing law establishes the mill rate chargeable to those vessels and authorizes that rate to be changed under certain circumstances, including when the number of licensed pilots is reduced to 60 pilots or falls below 60 pilots.*

Existing law also imposes an incremental rate of additional mills per high gross registered ton as is necessary and authorized by the Board of Pilot Commissioners to recover the pilots' costs of obtaining new pilot boats and of funding design and engineering modifications for the purposes of extending the service life of existing pilot boats, excluding costs for repair or maintenance.

This bill would delete the provision authorizing the rate to be changed when the number of licensed pilots is reduced to 60 pilots or falls below 60 pilots. This bill would also require, until January 1, 2011, ~~an incremental rate of additional mills per high gross registered ton a~~ *movement fee* as is necessary and authorized by the board to be paid as a navigation technology surcharge in order to recover the pilots' costs for the purchase, lease, or maintenance of navigation software, hardware, and ancillary equipment purchased after November 5, 2008, *and before January 1, 2011.*

Existing law requires that all moneys received by the Board of Pilot Commissioners pursuant to the provisions of any law shall be paid into the State Treasury to the credit of the Board of Pilot Commissioners' Special Fund and are continuously appropriated to the board for the payment of the compensation and expenses of the board and its officers and employees.

By increasing the amount of revenue deposited into a continuously appropriated fund and by authorizing the expenditure of money in that fund for a new purpose, the bill would make an appropriation.

(4) *The bill would also make technical changes.*

Vote: majority. Appropriation: yes. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 1130 of the Harbors and Navigation Code*  
2     *is amended to read:*

3     1130. (a) A majority of all of the pilots licensed by the board  
4     shall appoint one pilot to act as port agent to carry out the orders  
5     of the board and other applicable laws, and to otherwise administer  
6     the affairs of the pilots. The appointment is subject to the  
7     confirmation of the board.

8     (b) The port agent shall be responsible for the general  
9     supervision and management of all matters related to the business  
10    and official duties of pilots licensed by the board.

11    (c) The port agent shall immediately notify the executive officer  
12    director of the board of a suspected violation, navigational incident,  
13    misconduct, or other rules violation that is reported to him or her  
14    or to which he or she is a witness. The board shall adopt regulations  
15    for the manner and content of a notice provided pursuant to this  
16    section.

17    *SEC. 2. Section 1156.6 of the Harbors and Navigation Code*  
18    *is amended to read:*

19    1156.6. (a) Whenever suspected safety standard violations  
20    concerning pilot hoists, pilot ladders, or the proper rigging of pilot  
21    hoists or pilot ladders are reported to the board, the executive  
22    director shall assign a commission investigator to personally inspect  
23    the equipment for its compliance with the relevant safety standards  
24    promulgated by the United States Coast Guard and the International  
25    Maritime Organization. The commission investigator shall report  
26    preliminary conclusions, including an assessment of the  
27    equipment's compliance with the relevant safety standards, to the  
28    executive director as soon as possible. If, in the preliminary report,  
29    the equipment is found to be in violation, or in likely violation in  
30    the opinion of the commission investigator, of the relevant safety  
31    standards, the executive director shall immediately alert the  
32    cognizant United States Coast Guard Marine Safety Office district  
33    office. The commission investigator shall submit a written report  
34    to the incident review committee as established by subdivision (a)  
35    of Section 1180.3 that shall remain confidential until reported to  
36    the board. The incident review committee, in turn, shall report its  
37    findings and recommendations, if any, to the board. The board  
38    shall receive the incident review committee's findings, which may

1 include other reports, information, or statements from interested  
2 parties. The board shall specify, by regulation, the information  
3 that shall be contained in the report.

4 (b) This section applies to the pilotage grounds, as defined in  
5 Section 1114.5. Whenever a vessel passes outside of the pilotage  
6 grounds, the commission investigator's report shall include that  
7 fact along with a description of the incident.

8 (c) The record of the investigation and the board's findings and  
9 recommendations, if any, shall be a public record maintained by  
10 the board.

11 *SEC. 3. Section 1157.1 of the Harbors and Navigation Code*  
12 *is amended to read:*

13 1157.1. (a) Except as provided in Section 1157.4, all records  
14 of the board relating to the personal information of a pilot, ~~collected~~  
15 ~~pursuant to subdivision (b) of Section 1157, an inland pilot, a pilot~~  
16 ~~trainee, or an applicant to the pilot trainee training program~~ are  
17 confidential and shall not be open to public inspection.

18 (b) For purposes of this section, "personal information" means  
19 information, other than the name and mailing address, that  
20 identifies an individual, including an individual's photograph,  
21 social security number, address, telephone number, and medical  
22 or disability information, but does not include other information  
23 related to licensing such as incidents, rules or safety violations,  
24 misconduct, training records, commendations, and license status.

25 *SEC. 4. Section 1171.5 of the Harbors and Navigation Code*  
26 *is amended to read:*

27 1171.5. (a) The board shall adopt, by regulation, licensing  
28 standards that equal or exceed standards for obtaining federal  
29 endorsements and that conform with and support the state policy  
30 specified in Sections 1100 and 1101.

31 (b) The board shall adopt reasonable rules and regulations that  
32 require pilots to be qualified to perform all pilot duties.

33 (c) The board shall adopt, by regulation, training standards and  
34 a training program for ~~pilots, inland pilots, and pilot trainees, and~~  
35 ~~continuing education standards and a continuing education~~  
36 ~~program for pilots and inland pilots~~. In the case of pilot trainees,  
37 the training program shall be for a minimum of one year and a  
38 maximum of three years. In the case of pilots and inland pilots,  
39 the board shall specify the type, nature, duration, and frequency  
40 of the ~~training~~ continuing education required and the identity of

1 the pilots or inland pilots who are required to undergo ~~training~~  
2 *continuing education* in the next 12-month period. Pursuant to  
3 Section 1182, the license of a pilot or *an* inland pilot may be  
4 revoked or suspended if he or she fails to complete the ~~training~~  
5 *continuing education* required by this subdivision during the period  
6 specified. The board shall also require that an evaluation of the  
7 pilot's or inland pilot's performance be prepared by the institution  
8 selected by the board to provide pilot ~~training~~ *continuing education*,  
9 and the institution shall provide copies of the evaluation to the  
10 pilot or inland pilot and to the pilot evaluation committee.

11 (d) The board shall adopt, by regulation, the qualifications,  
12 standards, and rating criteria for admission of pilot trainees to the  
13 training program. Notwithstanding subdivision (f), the board shall  
14 administer and conduct the pilot trainee admission selection in  
15 accordance with the regulations for admission.

16 (e) The board shall establish a pilot evaluation committee  
17 consisting of five active pilots who each have at least 10 years'  
18 experience as a pilot on the Bays of San Francisco, San Pablo, and  
19 Suisun. The board shall select the members of the pilot evaluation  
20 committee. A member may not serve for more than two four-year  
21 terms, except that two of the initial members appointed to the pilot  
22 evaluation committee shall serve terms of two years.

23 (f) The pilot evaluation committee shall conduct and supervise  
24 the ~~pilot training and continuing education~~ programs pursuant to  
25 the direction and regulation of the board and consistent with the  
26 intent of this division.

27 (g) The board shall issue a certificate of completion to each  
28 pilot trainee who satisfactorily completes the training program.  
29 The board shall not issue a pilot's license to any person who does  
30 not receive a certificate of completion of the training program from  
31 the board, although the board may refuse to issue a pilot license  
32 to a pilot trainee who has received this certificate.

33 (h) ~~The training and continuing education programs for pilots,~~  
34 ~~inland pilots, and pilot trainees program for pilot trainees and the~~  
35 *continuing education program for pilots and inland pilots* shall  
36 be funded from revenues collected for these purposes as determined  
37 by the board pursuant to Sections 1195 and 1196 and deposited  
38 into the Board of Pilot Commissioners' Special Fund pursuant to  
39 Section 1159.

1     *SEC. 5. Section 1176 of the Harbors and Navigation Code is*  
2     *amended to read:*

3     1176. (a) The board shall appoint a physician or physicians  
4     who are qualified to determine the suitability of a person to perform  
5     his or her duties as a pilot, an inland pilot, or a pilot trainee in  
6     accordance with subdivision (c).

7     (b) An applicant for a pilot trainee position or for a pilot-~~or~~  
8     ~~inland pilot~~ license, as well as a pilot or *an* inland pilot seeking  
9     renewal of his or her license shall undergo a physical examination  
10    by a board appointed physician in accordance with standards  
11    prescribed by the board. Within 30 days prior to the examination,  
12    the applicant or licensee shall submit to the physician conducting  
13    the physical examination a complete list of all prescribed  
14    medications being taken by or administered to the applicant or  
15    licensee.

16    (c) On the basis of both the examination and an evaluation of  
17    the effects of the prescription medications named on the submitted  
18    list, the physician shall designate to the board whether or not the  
19    pilot, inland pilot, or pilot trainee is fit to perform his or her duties  
20    as a pilot, *an* inland pilot, or *a* pilot trainee.

21    (d) The license of a pilot or *an* inland pilot shall not be renewed  
22    unless he or she is found fit for duty pursuant to subdivision (c).

23    (e) Whenever a pilot, *an* inland pilot, or *a* pilot trainee is  
24    prescribed either a new dosage of a medication or a new  
25    medication, or suspends the use of a prescribed medication, he or  
26    she shall, within 10 days, submit that information to the board  
27    appointed physician having possession of the prescribed medication  
28    list submitted pursuant to subdivision (b). Whenever the physician  
29    receives the updated information, the physician shall determine  
30    whether or not the medication change affects the licensee's or  
31    trainee's fitness for duty. If the physician determines that the  
32    medication change results in the pilot, inland pilot, or pilot trainee  
33    being unfit for duty, the physician shall inform the board.

34    (f) The board may terminate a pilot trainee or suspend or revoke  
35    the license of a pilot or an inland pilot who fails to submit the  
36    prescribed medication information required by this section.

37    ~~SECTION 1.~~

38    *SEC. 6. Section 1190 of the Harbors and Navigation Code is*  
39    *amended to read:*

1 1190. (a) Every vessel spoken inward or outward bound shall  
2 pay the following rate of bar pilotage through the Golden Gate  
3 and into or out of the Bays of San Francisco, San Pablo, and  
4 Suisun:

5 (1) Eight dollars and eleven cents (\$8.11) per draft foot of the  
6 vessel's deepest draft and fractions of a foot pro rata, and an  
7 additional charge of 73.01 mills per high gross registered ton as  
8 changed pursuant to law in effect on December 31, 1999. The mill  
9 rates established by this paragraph may be changed as follows:

10 (A) There shall be an incremental rate of additional mills per  
11 high gross registered ton as is necessary and authorized by the  
12 board to recover the pilots' costs of obtaining new pilot boats and  
13 of funding design and engineering modifications for the purposes  
14 of extending the service life of existing pilot boats, excluding costs  
15 for repair or maintenance. The incremental mill rate charge  
16 authorized by this subparagraph shall be identified as a pilot boat  
17 surcharge on the pilots' invoices and separately accounted for in  
18 the accounting required by Section 1136. Net proceeds from the  
19 sale of existing pilot boats shall be used to reduce the debt on the  
20 new pilot boats and any debt associated with the modification of  
21 pilot boats under this subparagraph. The board may adjust a pilot  
22 boat surcharge to reflect any associated operational savings  
23 resulting from the modification of pilot boats under this  
24 subparagraph, including, but not limited to, reduced repair and  
25 maintenance expenses.

26 (B) In addition to the incremental rate specified in subparagraph  
27 (A), the mill rate established by this subdivision may be adjusted  
28 at the direction of the board if, after a hearing conducted pursuant  
29 to Article 9 (commencing with Section 11120) of Chapter 1 of  
30 Part 1 of Division 3 of Title 2 of the Government Code, the board  
31 determines that there has been a catastrophic cost increase to the  
32 pilots that would result in at least a 2-percent increase in the overall  
33 annual cost of providing pilot services.

34 ~~(C) There shall be an incremental rate of additional mills per~~  
35 ~~high gross registered ton as is necessary and authorized by the~~  
36 ~~board to recover the pilots' costs for the purchase, lease, or~~  
37 ~~maintenance of navigation software, hardware, and ancillary~~  
38 ~~equipment purchased after November 5, 2008.~~

39 ~~The software, equipment, and technology covered by this~~  
40 ~~subparagraph shall be used strictly and exclusively to aid in piloting~~

1 on the pilotage grounds. The incremental mill rate charge  
2 authorized by this subparagraph shall be identified as a navigation  
3 technology surcharge on the pilots' invoices and separately  
4 accounted for in the accounting required by Section 1136. The  
5 board shall review and adjust as necessary the navigation  
6 technology surcharge at least quarterly.

7 (2) A minimum charge for bar pilotage shall be six hundred  
8 sixty-two dollars (\$662) for each vessel piloted.

9 (3) The vessel's deepest draft shall be the maximum draft  
10 attained, on a stillwater basis, at any part of the vessel during the  
11 course of such transit inward or outward.

12 (b) The rate specified in subdivision (a) shall apply only to a  
13 pilotage that passes through the Golden Gate to or from the high  
14 seas to or from a berth within an area bounded by the Union Pacific  
15 Railroad Bridge to the north and Hunter's Point to the south. The  
16 rate for pilotage to or from the high seas to or from a point past  
17 the Union Pacific Railroad Bridge or Hunter's Point shall include  
18 a movement fee in addition to the basic bar pilotage rate as  
19 specified by the board pursuant to Section 1191.

20 (c) The rate established in paragraph (1) of subdivision (a) shall  
21 be for a trip from the high seas to dock or from the dock to high  
22 seas. The rate specified in Section 1191 shall not be charged by  
23 pilots for docking and undocking vessels. This subdivision does  
24 not apply to the rates charged by inland pilots for their services.

25 (d) The board shall determine the number of pilots to be licensed  
26 based on the 1986 manpower study adopted by the board.

27 (e) Consistent with the board's May 2002 adoption of rate  
28 recommendations, the rates imposed pursuant to paragraph (1) of  
29 subdivision (a) that are in effect on December 31, 2002, shall be  
30 increased by 4 percent on January 1, 2003; those in effect on  
31 December 31, 2003, shall be increased by 4 percent on January 1,  
32 2004; those in effect on December 31, 2004, shall be increased by  
33 3 percent on January 1, 2005; and those in effect on December 31,  
34 2005, shall be increased by 3 percent on January 1, 2006.

35 ~~(f) Subparagraph (C) of paragraph (1) of subdivision (a) shall~~

36 *(f) (1) There shall be a movement fee as is necessary and*  
37 *authorized by the board to recover a pilot's costs for the purchase,*  
38 *lease, or maintenance of navigation software, hardware, and*  
39 *ancillary equipment purchased after November 5, 2008, and before*  
40 *January 1, 2011.*



1     (2) *The software, equipment, and technology covered by this*  
2 *subdivision shall be used strictly and exclusively to aid in piloting*  
3 *on the pilotage grounds. The movement fee authorized by this*  
4 *subdivision shall be identified as a navigation technology*  
5 *surcharge on a pilot's invoices and separately accounted for in*  
6 *the accounting required by Section 1136. The board shall review*  
7 *and adjust as necessary the navigation technology surcharge at*  
8 *least quarterly. This subdivision shall become inoperative on*  
9 *January 1, 2011.*

10     *SEC. 7. Section 1196 of the Harbors and Navigation Code is*  
11 *amended to read:*

12     1196. (a) In addition to other fees for pilotage, there shall be  
13 a surcharge in an amount established by the board for each  
14 movement of a vessel using pilot services for the pilot and inland  
15 pilot-training continuing education program established by the  
16 board.

17     (b) The moneys charged and collected each month from the  
18 pilot and inland pilot-training continuing education program  
19 surcharge shall be paid to the board. The moneys shall be used  
20 only to fund the pilot and inland pilot-training continuing education  
21 program in the manner established by the board.

22     (c) By action of the board, the board may adjust the amount  
23 established pursuant to subdivision (a) as necessary to efficiently  
24 administer the pilot and inland pilot-training continuing education  
25 program.